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1874

STATES  
OF MASSACHUSETTS  
BOSTON

THIS PAMPHLET IS FOR PRESERVATION AND USE IN THE  
TOWN OR CITY TO WHICH IT IS SENT.

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Commonwealth of Massachusetts.

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AN ACT  
RELATING TO ELECTIONS,

APPROVED BY THE LIEUTENANT-GOVERNOR, JUNE 29, 1874.

IN WHICH ARE INCORPORATED

THE PROVISIONS OF THE SEVERAL ACTS RELATING TO ELECTIONS  
PASSED SINCE THE GENERAL STATUTES.

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TOGETHER WITH THE PROVISIONS OF THE GENERAL STATUTES  
RELATING TO ELECTIONS WHICH REMAIN IN FORCE,

AND OTHER ACTS OF 1874 RELATING TO ELECTIONS.

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With Notes and References,

PREPARED BY THE SECRETARY OF THE COMMONWEALTH, IN CONFORMITY WITH  
CHAPTER 89 OF THE RESOLVES OF 1874.

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BOSTON:

WRIGHT & POTTER, STATE PRINTERS,

79 MILK STREET, CORNER OF FEDERAL.

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1874

Chap. 89.

RESOLVE CONCERNING THE PRINTING OF LAWS RELATING TO ELECTIONS.

*Resolved*, That the secretary of the Commonwealth shall cause to be prepared a pamphlet containing the act passed at the present session, entitled an act relating to elections, together with the provisions of the General Statutes relating to elections which remain operative, with proper notes and references, in such form as may be convenient for preservation and use in the several cities and towns of the Commonwealth; and that he transmit three copies thereof to the clerk of every town, and three times as many copies to the clerk of every city as there are wards in such city; and also one copy to each city and town, at the same at which he furnishes blank forms for returns as required by section thirty-four of said act relating to elections.—[*Approved June 30, 1874.*

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Acts of 1874, chapter 376.

## AN ACT Relating to Elections.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

### I. PROVISIONS IN AMENDMENT OF **CHAPTER SIX** OF THE GENERAL STATUTES.\*

SECTION 1. Every male citizen of twenty-one years of age and upwards (except paupers, persons under guardianship, and persons excluded by article twenty of the amendments to the constitution), who has resided in the state one year, and within the city or town in which he claims a right to vote, six months next preceding any election of city, town, county, or state officers, or of representatives to congress, or electors of president and vice-president, and who has paid, by himself, his parent, master, or guardian, a state or county tax assessed upon him in this state within two years next preceding such election, and every citizen exempted from taxation but otherwise qualified, shall have a right to vote in all such elections; and no other person shall have such right to vote.

Qualifications of voters,  
G. S. 6, § 1.

SECTION 2. In any election of representatives to congress, no person shall be allowed to vote for the same until he shall have resided in the congressional district where he offers to vote, six months next preceding such election, and shall be otherwise qualified according to the constitution and laws: *provided*, that when the state shall be districted anew for members of congress, he shall have the right so to vote in the district where he is located by such new arrangement; and *provided, also*, that no voter residing in any city which now is, or hereafter may be, divided by the line between congressional districts, shall be deprived of his vote in the district in which he was assessed, or liable to assessment, on the first day of May

Not to be allowed to vote for representative in Congress, unless he has resided in district six months.  
1861, 145.

Provisos.

\* The whole of Chapter Six of the General Statutes is repealed by section 58 of this act.



next preceding such congressional election, if he be otherwise qualified.

Collectors to keep account of names of persons paying state or county tax.  
G. S. 6, § 2.  
To give receipt upon request.

SECTION 3. The collectors of state and county taxes in each city and town shall keep an accurate account of the names of all persons from whom they receive payment of any state or county tax, and of the time of such payment; and, upon request, shall deliver to the person paying the same a receipt specifying his name and time of payment; and such receipts shall be admitted as presumptive evidence thereof.

To return to selectmen, &c., twice a year, lists of persons who have paid taxes.  
G. S. 6, § 3.

SECTION 4. The collectors, whether the time for which they were chosen has expired or not, shall, twice in each year, namely, once not more than twenty nor less than fifteen days before the annual city or town elections, and once not more than twenty nor less than fifteen days before the Tuesday next after the first Monday in November, return to the mayor and aldermen and selectmen of their respective cities and towns, an accurate list of all persons from whom they have received payment of any state or county tax subsequently to the time appointed for making their last preceding return.

Penalty for neglect, or making a false return.  
G. S. 6, § 4.

SECTION 5. Every collector neglecting to make such return shall forfeit one hundred dollars for each neglect; and twenty dollars for every name in respect to which he makes a false return.

Assessment of taxes upon polls and estate.  
1868, 211, § 2.  
1869, 443.

SECTION 6. When any person, on or before the fifteenth day of September, in any year, gives notice in writing, accompanied by satisfactory evidence, to the assessors of a city or town, that he was, on the first day of May of that year, an inhabitant thereof, and liable to pay a poll-tax, and furnishes under oath a true list of his polls and estate, both real and personal, not exempt from taxation, the assessors shall assess him for his polls and estate; but such assessment shall be subject to the provisions of chapter one hundred and twenty-one of the acts of the year one thousand eight hundred and sixty-five; and the assessors shall, on or before the first day of October, deposit with the clerk of the city or town a list of the persons so assessed. The taxes so assessed shall be entered in the tax list of the collector of the city or town, and he shall collect and pay over the same in the manner specified in his warrant.

Lists of voters to be posted up ten days before election.  
G. S. 6, § 5.

SECTION 7. The mayor and aldermen of cities, and selectmen of towns, shall at least ten days before the annual city and town elections, and at least ten days

before the Tuesday next after the first Monday in November, annually, make correct alphabetical lists of all the persons qualified to vote for the several officers to be elected at those periods, and shall at least ten days before said elections cause such lists to be posted up in two or more public places in their respective cities and towns.

SECTION 8. The selectmen of towns shall be in session at some convenient place for a reasonable time, within forty-eight hours next preceding all meetings for the election of town, county or state officers, or of representatives in congress, or of electors of president and vice-president; for the purpose of receiving evidence of the qualifications of persons claiming a right to vote in such elections and of correcting the lists of voters. Such session shall be holden for one hour at least before the opening of the meeting on the day of the election, and notice of the time and place of holding the sessions shall be given by the selectmen upon the lists posted up as provided in the preceding section.

Selectmen to be in session, within forty-eight hours of election days, to receive evidence of qualifications of voters.  
G. S. 6, § 6.  
1874, 20, § 3.  
See § 13.

SECTION 9. The mayor and aldermen of cities shall be in session on the day immediately preceding the meeting for any election, and for as much longer time previous to said day as they judge necessary, for the purpose of receiving evidence of the qualifications of persons claiming a right to vote at such meeting, and of correcting the lists of voters; and they shall give notice of the time and place of holding the sessions upon lists of voters posted up as required by section seven of this act. When the day immediately preceding such meeting is Sunday, such session shall be held on the Saturday preceding.

Mayor and aldermen to be in session day before election, to correct voting-lists.  
1874, 20, § 2.

SECTION 10. The name of no person shall be added to the voting-lists in any city after the lists have been placed in the hands of the ward officers, unless the qualifications of said person as a voter shall have been determined by the mayor and aldermen, at some meeting held previous to the opening of the polls; such fact to be verified by the certificate of the city clerk.

Additions to lists after being placed in hands of ward officers.  
1867, 206.

SECTION 11. Voters in cities shall be registered in the respective wards wherein they are assessed, except as provided in the next section.

Voters to be registered where assessed.  
1872, 261, § 1.

SECTION 12. No person who removes from one ward in any city to another ward shall be registered as a legal voter in said last mentioned ward, or vote therein, until he has resided in said last mentioned ward continuously for a period of at least three months, when he may be so

Not to be registered in new ward until he has resided there three months.  
1872, 261, § 2.



registered; and until any person who so removes shall have the right to be registered and vote in the last mentioned ward, he shall have the right to vote in the ward in which he was previously registered, if otherwise qualified according to the constitution and laws.

Sessions of selectmen to be held the day before election, when voters exceed one thousand.  
G. S. 6, § 7.  
1874, 20, § 3.

SECTION 13. In every town where the number of qualified voters exceeds one thousand, a session of the selectmen for like purpose to that mentioned in section eight of this act, shall be holden on the day immediately preceding the meeting, and for as much longer time previous to said day as they judge necessary for the purpose aforesaid. When the day immediately preceding such meeting is Sunday, such session shall be holden on the Saturday preceding.

Selectmen to enter names of qualified voters, &c.  
G. S. 6, § 8.

SECTION 14. The selectmen shall also enter on such lists the name of any person known to them to be qualified to vote, and shall erase therefrom the name of any person known to them not to be qualified.

Naturalization papers to be produced for inspection.  
G. S. 6, § 9.

SECTION 15. The mayor and aldermen and selectmen before entering upon the lists the name of a naturalized citizen, shall require him to produce for their inspection his papers of naturalization and be satisfied that he has been legally naturalized; but they need not require the production of such papers after they have once examined and passed upon them.

Penalty for giving false name.  
G. S. 6, § 10.

SECTION. 16. Whoever gives a false name or a false answer to the mayor and aldermen or selectmen when in session for the purposes aforesaid, shall forfeit the sum of thirty dollars for each offence.

Names to be entered as returned by collectors.  
G. S. 6, § 11.

SECTION 17. The mayor and aldermen and selectmen, if they have duly entered on said lists the names of all persons returned to them by the collectors, shall not be answerable for any omissions therefrom.

Penalty on officer for neglect.  
G. S. 6, § 12.  
G. S. 8, § 20.

SECTION 18. A city or town officer who wilfully neglects or refuses to perform any duty required of him by the provisions of this act, shall for each offence forfeit a sum not exceeding two hundred dollars.



II. PROVISIONS IN AMENDMENT OF SECTIONS TWO, THREE, EIGHT AND NINE OF **CHAPTER SEVEN** OF THE GENERAL STATUTES.\*

SECTION 19. Meetings for the election of national, state, district and county officers may be opened as early as seven o'clock in the forenoon, and shall be opened as early as two o'clock in the afternoon of the election day, and the mayor and aldermen and selectmen shall decide whether such officers shall be voted for on one ballot or at the same time on separate ballots, and shall give notice thereof in the warrant calling the meeting.

Meeting may be opened as early as 7 A.M., and shall be opened as early as 2 P.M.  
G. S. 7, § 2.  
1867, 50.  
1869, 62.

SECTION 20. Such meetings in cities shall be called according to the provisions of the acts establishing them and the acts in addition thereto, and the warrant for notifying such meetings shall specify the time when the polls for the choice of the several officers shall be opened, and the hour at which the polls shall be closed; and the polls shall be kept open at least two hours; but in no case shall the polls be kept open after the hour of sunset.

Meetings in cities.  
G. S. 7, § 3.

SECTION 21. Such meetings in towns shall be called by the selectmen in the manner ordered by the towns, and the warrant for notifying such meetings shall specify the time when the polls for the choice of the several officers shall be opened, and the hour at which the polls may be closed. The polls in towns shall be kept open at least two hours, and for such longer time as a majority of the voters present shall by vote direct, but they shall not be closed until the hour named in the warrant has arrived; and in no case shall the polls be kept open after the hour of sunset.

Meetings in towns.  
G. S. 7, § 3.  
1860, 138.

SECTION 22. At town meetings for the election of national, state, district and county officers, the selectmen shall preside; and shall have all the powers which are vested in moderators.

Selectmen to preside at town meetings.  
G. S. 7, § 8.

SECTION 23. The presiding officers at meetings held for the election of town or other officers, shall be provided with a complete list of the persons qualified to vote at

Presiding officers of meetings to be furnished with list of voters.  
G. S. 7, § 9.  
1862, 180, § 1.  
1863, 198.

\* Sections one, two, three, eight and nine of Chapter Seven of the General Statutes are repealed by section 58 of this act.

The provisions of section one are not reenacted, and are no longer in force.

Section twenty-nine is repealed by the act of 1874, chapter 356, which is printed at page 18 of this pamphlet.

The sections which are not repealed—namely, sections four, five, six, seven, and sections ten to thirty-six inclusive (except section twenty-nine), will be found at pages 20 to 25 inclusive, of this pamphlet.

such election; and no person shall vote at an election whose name has not been previously placed on such list, nor until the presiding officers find and check his name thereon: *provided, however*, that in the election of town officers, it shall not be necessary to find and check the name of the voter, except in the cases where the election is, or may be, required by statute to be by ballot; and in all other cases, the check-list shall be used or not, as the town, at its meeting, may determine, except that in the election of moderators of town meetings, held for the choice of town officers, the check-list shall be used.

### III. PROVISIONS IN AMENDMENT OF SECTIONS SEVEN TO TWENTY-FOUR INCLUSIVE OF **CHAPTER EIGHT** OF THE GENERAL STATUTES.\*

#### *Representatives to the General Court.*

Voters to be notified to bring votes on one ballot for representatives.  
G. S. 8, § 7.

SECTION 24. Warrants for meetings for the election of representatives to the general court shall direct that the voters in towns, cities and wards, be notified to bring in their votes on one ballot for the representatives to which their several districts are entitled, and shall specify the number thereof. And such elections shall be conducted and the results thereof determined as provided in chapter seven of the General Statutes, except as otherwise provided in this act.

In towns and wards comprising part of a district, transcript of record to be forthwith delivered to clerks.  
G. S. 8, § 10.

SECTION 25. In towns, cities and wards, composing a part of a representative district, the selectmen and town clerks and ward officers, in open town and ward meetings, and the mayor and aldermen and city clerks, shall forthwith upon the vote for representative being recorded, make out under their hands and seal up and deliver to their respective clerks, a true transcript of such record.

Commissioners to designate place where clerks shall assemble to learn result of elections.  
G. S. 8, § 11.

SECTION 26. The county commissioners, mayor and aldermen, or board of aldermen, or such special commissioners as are authorized to apportion the representation assigned to the several counties, at their meeting for such purpose, shall designate a place in each representative district, not contained in or consisting of one town or

\* Sections seven to twenty-four inclusive of Chapter Eight of the General Statutes are repealed by section 58 of this act.

Sections two to six, contained the provisions establishing the districts for the choice of councillors, senators and representatives, as they existed at the time of the passage of the General Statutes, which, having been superseded by later acts, are no longer in force.

Section one is printed at page 26 of this pamphlet.



city, at which the clerks of towns, cities and wards, composing such district, shall assemble for the purpose of ascertaining the result of elections. Due notice of such appointment shall be given by said commissioners or mayor and aldermen to every town, city and ward, in the district. Such place of meeting may be changed once in two years by the same authority, after a hearing on the petition of two of such clerks.

SECTION 27. The clerks of cities, towns and wards, composing such districts, shall meet at noon on the day following an election for representatives, at the place so designated, and shall examine and compare such transcripts and ascertain what persons have been elected. If any error appears in a transcript or return, the clerks shall forthwith give notice thereof to the officers required to make the return, and such officers shall forthwith, in conformity with the truth and under oath, make a new return, which, whether made with or without such notice, shall be received and examined by said clerks within two days after the time appointed for the meeting; and for that purpose the meeting may be adjourned not exceeding two days. No return shall be rejected when the number of votes given for each candidate can be ascertained.

Clerks to assemble and ascertain what persons have been elected.  
G. S. 8, § 12.

SECTION 28. Such clerks shall at such meeting make out under their hands a complete return of the names of all persons for whom votes were given in the district, and the number of votes for each person, and a record of the return shall be made in the book of records of their respective cities, towns and wards, within four days after the day of the meeting.

Clerks to make return and record.  
G. S. 8, § 13.

*See* § 35.

SECTION 29. When it is ascertained who is elected representative in a district, composed of one town or city, or one or more wards of a city, the selectmen or mayor and aldermen shall make out duplicate certificates thereof, one of which they shall transmit to the office of the secretary of the Commonwealth on or before the first Wednesday in January following, and the other by a constable or other authorized officer to the person elected, within ten days after the day of election.

Duplicate certificates of election to be made by selectmen, &c.  
G. S. 8, § 15.

SECTION 30. When the clerks of cities, towns and wards composing a district, at their meeting for the purpose, ascertain that a representative is elected in their district, they or a majority of them shall make out duplicate certificates thereof, one of which they shall deliver into the office of the secretary of the Commonwealth, on

Duplicate certificates by clerks.  
G. S. 8, § 16.



or before the first day of January following, and the other by a constable or other authorized officer transmit to the person elected, within ten days after the day of election.

SECTION 31. Such certificates of election shall be in substance as follows :—

Form of certificate.  
G. S. 8, § 17.

Commonwealth of Massachusetts, county of . Pursuant to a law of this Commonwealth, the qualified voters of Representative District Number , in their several meetings on the day of November instant, for the choice of representatives in general court, did elect , being inhabitants of said district, to represent them in the general court to be holden on the first Wednesday of January next.  
Dated at the day of in the year one thousand eight hundred and .

Such certificate shall have a return thereon, signed by the officer authorized to give such notice, and stating that notice of the choice was given to the persons therein mentioned, and that said persons were summoned to attend the general court accordingly.

If no choice is effected, certificate of fact to be transmitted to secretary of the Commonwealth.

SECTION 32. If it shall appear that no choice of representative has been effected by reason of two or more persons having the same number of votes so that no person has a plurality, a certificate of the fact shall be transmitted to the secretary of the Commonwealth by the same officers and in the same manner as is provided in sections twenty-nine and thirty of this act for one of the certificates of election in cases when an election is made.

Vacancy in representative district.  
G. S. 8, § 18.

SECTION 33. When a vacancy occurs in a representative district, the speaker of the house of representatives shall, in the precept which he may issue by order of the house giving notice of such vacancy, appoint a time for an election to fill the same. Upon the reception of such precept, the mayor and aldermen of a city and the selectmen of the towns comprising the district, shall issue their warrants for an election on the day named in the precept; and similar proceedings shall be had in filling such vacancy as in the original election of representatives.

Secretary of Commonwealth to furnish blank forms, &c.  
G. S. 8, § 19.

SECTION 34. The secretary of the Commonwealth shall furnish to cities and towns blank forms for certificates, transcripts and returns required under this act. Such blanks for returns shall have printed thereon sections twenty-nine, thirty, thirty-one and thirty-two of this act, and the first four sections of chapter two of the General Statutes.

Number of ballots to be distinctly stated in words at length.

SECTION 35. In all returns of elections the whole number of ballots given in shall be distinctly stated in

words at length; and blank pieces of paper shall not be counted as ballots: *provided*, that the omission to state the whole number of ballots shall not make the return invalid in any case in which the true result of the election can be ascertained from the other parts of the return. Proviso.

SECTION 36. Selectmen giving a certificate of election to a person voted for as representative to the general court, not in accordance with the declaration of the vote in open town meeting at the time of the election, shall forfeit three hundred dollars. Penalty on selectmen for false certificate. G. S. 8, § 21.

SECTION 37. Clerks wilfully signing a certificate not in conformity with the result of an election, as apparent by the transcripts and returns, shall forfeit a sum not exceeding three hundred dollars. Penalty on clerks for false certificate. G. S. 8, § 22.

SECTION 38. Towns and cities may provide suitable compensation to clerks and selectmen for services performed by them under the requirements of this act. Compensation of clerks and selectmen. G. S. 8, § 23.

SECTION 39. In case of a vacancy in the office of town, city or ward clerk, or any disability in such clerk to perform the duties required by this act, the selectmen, mayor and aldermen, or board of aldermen, or warden, may appoint a clerk *pro tempore*, who shall be sworn and perform such duties. Clerk *pro tem.* may be appointed. G. S. 8, § 24.

#### IV. PROVISIONS RELATING TO THE PRESERVATION OF BALLOTS AND CHECK-LISTS IN CITIES.

SECTION 40. In all elections in cities, whether the same shall be for United States, state, county, city or ward officers, it shall be the duty of the warden, or other presiding officer, to cause all ballots which shall have been given in by the qualified voters of the ward in which such election has been held, and after the same shall have been assorted, counted, declared and recorded, to be secured in an envelope, in open ward meeting, and sealed with a seal provided for the purpose; and the warden, clerk, and a majority of the inspectors of the ward, shall indorse upon the envelope for what offices and in what ward the ballots have been received, the date of the election, and their certificate that all the ballots given in by the voters of the ward, and none other, are contained in said envelope. Ballots which have been given in, to be secured in a sealed envelope. 1863, 144, § 1.

SECTION 41. The warden, or other presiding officer shall forthwith transmit the ballots, sealed as aforesaid, to the city clerk, by the constable in attendance at said elec- To be transmitted to city clerk. 1863, 144, § 2.



tion, or by one of the ward officers, other than the clerk; and the clerk shall retain the custody of the seal, and deliver the same, together with the records of the ward and other documents, to his successor in office.

City clerk to furnish ward clerk with seal of suitable device.  
1863, 144, § 3.

To retain ballots not less than sixty days.

SECTION 42. The city clerk shall cause to be furnished to the clerks of the several wards a seal of suitable device, the design of which shall include the number or designation of the ward for which it shall be furnished. He shall receive and retain in his care the ballots transmitted to him, for the space of not less than sixty days; if within the time prescribed by law for forwarding returns or declaring the results of an election, ten or more citizens of any ward shall notify the city clerk, by a written statement, that they have reason to believe that the returns of the ward officers are erroneous, and shall specify wherein they deem them in error, the said clerk shall receive such statement, and shall notify the board of aldermen, or the committee thereof appointed to examine the returns of said election, and the board of aldermen, or their committee, shall, within the time required by law for examining the returns or declaring the results of the election, examine the ballots thrown in said ward, and determine the questions raised; they shall then re-seal the envelope, either with the seal of the city or a seal provided for the purpose, and shall indorse upon said envelope a certificate that the same has been opened and re-sealed by them in conformity to law; and the ballots, sealed as aforesaid, shall be returned to the city clerk, who, upon their certificate, shall alter and amend such returns as are found to be erroneous, and such amended returns shall stand as the true return of the ward. And if, within sixty days of an election, any person who received votes for any office at said election, shall serve upon the city clerk, by himself, his agent or attorney, a written notification claiming an election to such office, and declaring an intention to contest the right of any person who has received or who may receive a certificate of election for the same, the city clerk shall retain such ballots, sealed as aforesaid, subject to the order of the body to which such person shall claim to have been elected, or until such claim shall have been withdrawn or finally decided.

Check-list to be enclosed and sealed up.  
1872, 270.

SECTION 43. In all elections in cities in which a check-list is required by law to be used, the warden or other presiding officer of each ward shall cause the check-list so used to be inclosed and sealed in an envelope in the same



manner as the ballots cast at said election are required by law to be secured by section forty of this act, and the warden, clerk and a majority of the inspectors in each ward shall certify on such envelope to the identity of the check-list so inclosed: *provided*, that nothing in this act shall be construed to prevent the clerk of any city from furnishing a copy of a check-list after it has been used in any ward, upon the application of not less than ten legal voters resident therein; and immediately upon such copy being furnished, the check-list shall be again sealed up. Proviso.

SECTION 44. Whenever in any election the right of any person offering to vote is challenged for any cause recognized by existing laws, it shall be the duty of the warden or presiding officer, if the person challenging shall so demand, to require the person so offering to vote to write his name and residence upon the ballot so offered and challenged, and the warden or presiding officer shall add thereto the name of the person challenging the same, and the cause assigned therefor, before such ballot shall be received; and if such ballot shall be offered sealed, the writing as aforesaid may be upon the envelope covering the same, and the warden or other presiding officer, in the presence of the clerk and at least one inspector, shall mark and designate such ballot by writing thereon the name of the person by whom it was cast before it is counted, and at the close of the election the same shall be returned to the envelope in which it was deposited: *provided*, that nothing contained in this section shall be so construed as to permit ward officers to receive any vote which, by existing laws, they are required to refuse. Duty of ward officer when right to vote is challenged.  
1863, 144, § 4.

SECTION 45. If any city clerk shall wilfully neglect or refuse to comply with any of the requirements of the preceding five sections of this act, he shall be punished by a fine not exceeding two hundred dollars. And if any warden or other presiding officer, constable or ward officer as aforesaid, shall wilfully neglect or refuse to comply with the provisions of said sections, he shall be punished by a fine of not less than twenty, or more than two hundred dollars, or by imprisonment in the county jail for a term not exceeding one year. Penalty on city clerk for wilful neglect.  
1863, 144, § 5.

## V. PROVISIONS RELATING TO THE PRESERVATION OF BALLOTS AND CHECK-LISTS IN TOWNS.

Ballots to be preserved by selectmen of towns.  
1871, 40, § 1.

SECTION 46. At every election in towns for officers other than town officers, the selectmen shall cause all ballots given in, after having been counted, declared and recorded, to be secured in an envelope and sealed, and they shall indorse on such envelope for what officers the inclosed ballots were cast, and at what election, and the same shall be sealed, indorsed and delivered to the town clerk, before the adjournment of the meeting at which the ballots were cast.

Clerk to preserve envelope unopened for sixty days.  
1871, 40, § 2.

SECTION 47. The clerk shall carefully preserve such envelope, unopened, sixty days, and if within that time any person voted for serves notice on him in writing, claiming an election, and desiring a recount of said ballots, the clerk shall continue to hold such envelope, subject to the order of the legislative body to which such person claims an election, or in other cases, of the board required by law finally to examine the returns and issue certificates of election; and in all such cases said legislative body or board may take and open said envelope and recount the ballots thus preserved.

Check-list to be sealed up, &c.

SECTION 48. In all elections in towns in which a check-list is required by law to be used (except elections for town officers), the selectmen shall cause the check-list so used to be inclosed and sealed in an envelope, in the same manner, but not in the same envelope, as the ballots cast at said election are required by law to be secured by section forty-six of this act; and a majority of the selectmen shall certify on such envelope to the identity of the check-list so inclosed: *provided*, that nothing in this act shall be construed to prevent the selectmen from furnishing a copy of a check-list after it has been used in any election, upon the application of not less than ten legal voters, resident therein; and immediately upon such copy being furnished, the check-list shall be again sealed up, with a new certificate attached, by which the identity and original condition shall be certified by a majority of the selectmen.

Proviso.

Duty of selectmen when right to vote is challenged.  
1871, 40, § 3.

SECTION 49. When the right of a person offering a ballot at any election in towns for officers, other than town officers, is challenged for any cause recognized by law, the selectmen, if they receive the same, shall require



the voter to write his name and residence thereon, and they shall add thereto the name of the challenger, and the cause assigned for challenging. And if such ballot shall be offered sealed, the writing as aforesaid may be upon the envelope covering the same, and the selectmen shall mark and designate such ballot by writing thereon the name of the person by whom it was cast, before it is counted, and at the close of the election the same shall be returned to the envelope in which it is deposited.

SECTION 50. Whoever wilfully or negligently violates any provision of the four preceding sections of this act, shall be punished by a fine not exceeding two hundred dollars, or by imprisonment in the county jail not exceeding one year. Penalty. 1871, 40, § 4.

#### VI. PROVISIONS RELATING TO THE ELECTION OF WARD OFFICERS IN CITIES.

SECTION 51. At each municipal election in any city, it shall be the duty of the ward officers of the several wards to make out and sign certificates of the election of such ward officers as are chosen at such election, in the manner now provided by law, and said certificates for each ward shall be placed in one envelope, endorsed "ward officers chosen in ward number \_\_\_\_\_," and transmitted to the city clerk, who shall retain said envelopes unopened for twenty days, subsequent to the day of said election, and he shall then open said envelopes, and transmit said certificates to the persons who appear to be thus chosen. Ward officers to issue certificates of election of ward officers. 1867, 240, § 1.

SECTION 52. If, within said twenty days a statement, in writing, is filed with the city clerk, signed by ten legal voters in any ward, stating that they believe that the warden, or clerk, or any inspector of elections of said ward, who has been declared elected, did not receive a plurality of the votes cast on the preceding election day, it shall be the duty of the city clerk to lay the same before the board of aldermen for the time being, who shall proceed to count the original ballots cast for such warden, clerk or inspector, and shall declare the result, and shall issue a certificate to the person entitled thereto: *provided*, that this act shall not apply to ward officers chosen to fill vacancies on election day. Re-count of ballots. 1867, 240, § 2.

SECTION 53. If the charter of any city, or any act in amendment of such charter, or otherwise relating to such city, contains any specific and particular provision incon- Specific provisions contained in city charters to remain in force.



sistent with such of the provisions of this act as apply to cities, such specific and particular provision shall continue in force in such city, anything in this act contained to the contrary notwithstanding: *provided, however*, that all elections in cities which, by any act, are appointed to be held on Monday, shall be held on the Tuesday next following such Monday.

Proviso.  
1872, 140.  
1874, 20, § 1.

#### VII. CONCLUDING PROVISIONS.

Statement of  
number of votes,  
&c., not to be  
made before  
close of polls.  
1873, 376, § 5.

SECTION 54. Until the close of the polls and the public declaration of the vote at an election *in any city*, no statement shall be made by any warden, inspector or clerk, of the number of ballots cast, the numbers of voters present, the number of votes given for any person or for any officer, the name of any person who has voted, the name of any person which has been voted on, nor of any other fact tending to show the state of the polls.

Penalty.  
1873, 376, § 6.

SECTION 55. Any warden, ward clerk, or inspector violating the provisions of the preceding section of this act, shall be punished by a fine of not more than one hundred dollars or imprisonment in the house of correction for twenty days.

Rights of In-  
dians not to be  
abridged.  
1862, 184.  
1869, 463.

SECTION 56. Nothing contained in the first section of this act shall be construed to limit or abridge the rights of Indians, and people of color heretofore known and called Indians, within this Commonwealth, as declared by chapter one hundred and eighty-four of the acts of the year one thousand eight hundred and sixty-two, and chapter four hundred and sixty-three of the acts of the year one thousand eight hundred and sixty-nine.

Registrars of  
voters in Boston.  
1874, 60.

SECTION 57. Nothing contained in this act shall affect the validity of the provisions of chapter sixty of the acts of the present year, entitled an act to establish the board of registrars of voters of the city of Boston and to regulate the preparation and revision of the voting-lists in said city.

Repeal.

SECTION 58. Chapter six of the General Statutes, sections one, two, three, eight and nine of chapter seven of the General Statutes, and sections seven to twenty-four, inclusive, of chapter eight of the General Statutes, together with the several acts enumerated in the schedule hereto appended, are hereby repealed: *provided*, that such repeal shall not revive any act heretofore repealed or superseded; and the provisions of this act, so far as they are the same

Proviso.

as those of existing laws, shall be construed as a continuation of such laws, and not as new enactments; and references in laws not repealed to provisions of laws incorporated herein, shall be construed as applying to the same provisions so incorporated.

**SCHEDULE OF ACTS REPEALED.**

List of acts  
repealed.

**An Act of the Year One Thousand Eight Hundred and Sixty.**

Chapter 138. An act concerning municipal elections.

**An Act of the Year One Thousand Eight Hundred and Sixty-one.**

Chapter 145. An act defining the qualifications of voters for representatives to Congress.

**An Act of the Year One Thousand Eight Hundred and Sixty-two.**

Chapter 180. Section first of an act relating to the election of town officers.

**Acts of the Year One Thousand Eight Hundred and Sixty-three.**

Chapter 144. An act concerning elections in cities.

Chapter 198. An act in relation to the election of moderators of town meetings.

**Acts of the Year One Thousand Eight Hundred and Sixty-seven.**

Chapter 50. An act in relation to the time of holding meetings for the election of certain officers.

Chapter 206. An act in addition to an act concerning the qualifications of electors.

Chapter 240. An act in relation to the election of ward officers.

**An Act of the Year One Thousand Eight Hundred and Sixty-eight.**

Chapter 211. An act relating to the assessment of taxes.

**Acts of the Year One Thousand Eight Hundred and Sixty-nine.**

Chapter 62. An act concerning elections in cities and towns.

Chapter 443. An act to repeal section one of chapter two hundred and eleven of the acts of the year eighteen hundred and sixty-eight, concerning the assessment of taxes.

**An Act of the Year One Thousand Eight Hundred and Seventy-one.**

Chapter 40. An act concerning the preservation of ballots in towns.

**Acts of the Year One Thousand Eight Hundred and Seventy-two.**

Chapter 140. An act to change the time of holding the annual municipal elections in cities.

Chapter 261. An act in relation to the change of domicile of voters in cities.

Chapter 270. An act concerning elections in cities.

**An Act of the Year One Thousand Eight Hundred and Seventy-three.**

Chapter 376. An act to prevent fraud at elections in cities.

**An Act of the Year One Thousand Eight Hundred and Seventy-four.**

Chapter 20. An act concerning elections in cities.

**SECTION 59.** This act shall take effect upon its passage.

[*Approved June 29, 1874.*]

*General Acts relating to Elections.*

Acts of 1874, Chapter 356.

**AN ACT to punish illegal voting and to secure the purity of elections.***Be it enacted, &c., as follows :*Penalty for  
illegal voting.

SECTION 1. Whoever with fraudulent intent votes, or attempts to vote upon any name other than his own at any national, state or municipal election, or whoever knowingly gives more than one ballot at one time of balloting at an election, shall be punished by imprisonment in the house of correction for not less than sixty days nor more than six months.

Penalty for  
bribery at elec-  
tions.

SECTION 2. If any person shall pay, give or bestow, or directly or indirectly promise, any gift or reward to secure the vote or ballot of any person for any officer to be voted for at any national, state or municipal election, the person so offending upon conviction before the court having jurisdiction of such offence shall be punished by a fine of not less than fifty nor more than one thousand dollars, or by imprisonment in the house of correction not less than sixty days nor more than six months, or by both, at the discretion of the court.

Repeal of G. S.  
7, § 29.

SECTION 3. The twenty-ninth section of the seventh chapter of the General Statutes is hereby repealed.

*[Approved June 23, 1874.]*

Acts of 1874, Chapter 344.

**AN ACT to protect the use of alphabetical lists of voters.\****Be it enacted, &c., as follows :*Penalty for  
voting under a  
false name.

SECTION 1. Whoever in an assembly of people, met for a lawful purpose, at which an alphabetical list of voters is used in voting, votes, or attempts to vote, under any name other than his own, shall be punished by a fine not exceeding fifty dollars, or by imprisonment in the jail not exceeding thirty days, on complaint in any court of competent jurisdiction.

SECTION 2. This act shall take effect upon its passage.

*[Approved June 18, 1874.]*

\* This act is inserted in this pamphlet in case it may prove convenient for reference.



Acts of 1874, Chapter 329.

**AN ACT** to amend section eight of chapter ten and section thirteen of chapter seventeen of the General Statutes relating to county and special commissioners.\*

*Be it enacted, &c., as follows:*

**SECTION 1.** Section eight of chapter ten of the General Statutes is amended by striking from said section the words "except the county of Dukes County," also the words "except in the county of Dukes County." Amendment to G. S. 10, § 8.

**SECTION 2.** Section thirteen of chapter seventeen of the General Statutes is amended by striking out the last clause after the word "thereon." Amendment to G. S. 17, § 13.

**SECTION 3.** This act shall take effect upon its passage.

*[Approved June 11, 1874.]*

\* Chapter ten of the General Statutes is printed at pages 29 to 33 inclusive, of this pamphlet. Chapter seventeen does not relate to elections.

PROVISIONS OF THE GENERAL STATUTES  
RELATING TO ELECTIONS,

REMAINING IN FORCE.

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I. PROVISIONS RELATING TO ENVELOPES.

General Statutes, Chapter 7, §§ 4, 5, 6, 7.

Secretary of  
Commonwealth  
to provide enve-  
lopes,  
1851, 226, § 2.  
1853, 36, § 2.

SECTION 4. The secretary of the Commonwealth shall provide and keep constantly in his office a sufficient number of self-sealing envelopes to supply all the voters in the Commonwealth, and shall furnish the same to the clerks of the several cities and towns when applied for. Such envelopes shall be of uniform size and color and bear the arms of the Commonwealth, and no other envelopes shall be used at the polls.

Clerks to pro-  
cure envelopes  
from secretary.  
1851, 226, § 3.  
1853, 36, § 2.

SECTION 5. The city and town clerks shall obtain from the secretary such number of envelopes as may be sufficient to meet the wants of the voters of their respective cities and towns, and keep the same subject to the order of the selectmen of towns, or the wardens and inspectors of cities.

Selectmen &c.  
to provide enve-  
lopes at polls.  
1851, 226, § 3.  
1853, 36, § 2.  
1856, 173, § 10.

SECTION 6. The ward officers in each city and the selectmen of each town shall obtain from the city or town clerks and provide at the polls on the day of election a sufficient number of such envelopes, and supply each person claiming to be a voter in said city or town, on his personal application, with such number as the pending election may require, and return to the clerk all envelopes not used.

Fraudulently  
obtaining enve-  
lopes.  
1851, 226, § 7.

SECTION 7. Whoever wilfully claims to be a voter, knowing that he is not a voter where the claim is made, and by reason thereof fraudulently obtains an envelope from the persons having the custody of the same on the day of the election, shall be liable to a fine of not less than ten nor more than fifty dollars.

II. GENERAL PROVISIONS APPLYING TO ELECTIONS.

General Statutes, Chapter 7, §§ 10-36.

SECTION 10. The selectmen shall not be answerable for refusing the vote of any person whose name is not on the list of voters, unless such person before offering his vote furnishes them with sufficient evidence of his having the legal qualifications of a voter at such meeting, and requests them to insert his name on said list.

Selectmen when not answerable for refusing votes.  
R. S. 3, § 9.  
5 Met. 298.

SECTION 11. The moderator of a town meeting shall receive the votes of all persons whose names are borne on the list of voters as certified by the selectmen; and shall not be answerable for refusing the vote of a person whose name is not on said list.

Votes, what shall be received.  
R. S. 3, § 10.  
See 1863, 144, § 4

SECTION 12. No vote shall be received by the presiding officers at any election provided for in this chapter, [that is, at any election for national, state, district, county, city, or town officers], unless presented for deposit in the ballot box by the voter in person in a sealed envelope, or open and unfolded, and so that such officers can know but one ballot is presented.

how deposited.  
R. S. 4, § 4.  
1839, 42, § 5.  
1851, 226, § 6.  
1853, 36, § 1.  
23 Pick. 308  
See 1871, 124, § 4.

SECTION 13. Votes for different persons for the same office found in one envelope shall not be counted, and if more than one vote for the same person for the same office is found in one envelope, but one such vote shall be counted, and no vote shall be counted which does not clearly indicate in writing the office for which the person voted for is designed, except when but one officer is voted for.

Votes when to be rejected, &c.  
1853, 36, § 1.  
1854, 59, § 1.  
See 1871, 124, § 4.

SECTION 14. In all elections of civil officers by the people, the person or persons having the highest number of votes shall be deemed and declared to be elected; but no persons receiving the same number of votes shall be deemed to be elected, if thereby a greater number would be elected than required by law.

Results of elections, how determined.  
Amend. const. art 14.  
1856, 157, §§ 1, 2.  
1857, 185.

SECTION 15. The votes in elections for national, state, county, and district officers, shall be received, sorted, and counted, by the selectmen, and by the ward officers, and public declaration made thereof in open town and ward meetings. The names of persons voted for, the number of votes received for each person, and the title of the office for which he is proposed, shall be entered in words at length by the town and ward clerks in their

Selectmen and ward officers to count votes.  
1857, 171, §§ 1, 2.  
1857, 311.  
See Ch. 9, §§ 4, 12.  
See 1863, 144.  
1867, 240.  
1871, 40.  
1872, 270.



records.\* The ward clerks shall forthwith deliver to the city clerks certified copies of such records, who shall forthwith enter the same in the city records.

Mayor and aldermen and clerk to examine returns and, if faulty, require new returns. Other regulations.  
1852, 209, § 1.  
See Ch. 9, § 12.  
See 1863, 144.  
1867, 240.  
1871, 40.

SECTION 16. The mayor and aldermen and the clerk of each city shall forthwith after an election examine the returns made by the returning officers of each ward in such city, and if any error appears therein they shall forthwith notify said ward officers thereof, who shall forthwith make a new and additional return, under oath, in conformity to truth, which additional return, whether made upon notice or by such officers without notice, shall be received by the mayor and aldermen or city clerk at any time before the expiration of the day preceding that on which by law they are required to make their returns or to declare the results of the election in said city; and all original and additional returns so made shall be examined by the mayor and aldermen and made part of their returns of the results of such election. In counting the votes in an election no returns shall be rejected when the votes given for each candidate can be ascertained.

City and town clerks to make returns of votes to secretary, &c.  
R. S. 14, §§ 17, 44, 101, 107.  
1850, 299, § 2.  
1852, 53.  
1855, 92, § 2.  
1856, 118.  
1857, 171, §§ 1, 2.  
1857, 311.  
1858, 93, §§ 4, 12.  
See Ch. 9, § 12.  
13 Gray, 83.

SECTION 17. City and town clerks shall within ten days from the day of an election for governor, lieutenant-governor, councillors, senators, secretary, treasurer and receiver-general, auditor, attorney-general, representatives in congress, commissioners of insolvency, sheriffs, registers of probate and insolvency, district-attorneys, or clerks of the courts, transmit copies of the records of the votes, attested by them, certified by the mayor and aldermen or selectmen, and sealed up, to the secretary of the Commonwealth; they shall in like manner within ten days after an election for county treasurer or register of deeds, transmit such copies of the records of the votes to the county commissioners of their several counties; and within seven days after an election for county commissioners, transmit such copies of the records of the votes to the clerks of the courts for their several counties; but in Suffolk the return of votes for register of deeds shall be made to the board of aldermen of Boston, and in Chelsea, North Chelsea,† and Winthrop, the returns of votes for county commissioners shall be made to the clerk of the courts for the

\* See section 35 of the General Act of 1874 relating to Elections (pages 10, 11 of this pamphlet), which requires *the whole number of ballots* also to be stated in words at length; provided, &c.

† The name of the town of North Chelsea has been changed to Revere.

county of Middlesex. Or within three days after such elections, such clerks may deliver such copies, sealed up, to the sheriffs of their several counties, who within seven days after receiving them shall transmit them to the office of the secretary, and to the county commissioners, board of aldermen, and clerks of courts, as severally above designated.

SECTION 18. Proof that a return of votes was properly directed to the person to whom it was required to be transmitted or delivered, and mailed within forty-eight hours after closing the polls, shall be a bar to any complaint for delinquency.

Returns by mail.  
1856, 255 § 2.

SECTION 19. When a return of votes from a city or town is received at the office of the secretary of the Commonwealth not sealed up as by law required, he shall forthwith give notice thereof to the returning officers; who upon the receipt of such notice shall make a copy of their record of the votes at said election and transmit the same, certified by them under oath to be correct, to the secretary, sealed up as required by law in the case of original returns. If such copy is received by the secretary before the day on which by law the returns are to be opened and the votes counted, and if upon opening said copy by the governor and council, the legislature, or any person authorized so to do, the original return is found in substantial conformity therewith, it shall not be rejected because of informality.

When return is unsealed, secretary to give notice to returning officers, who shall transmit a sealed copy.  
1852, 209, § 2.

SECTION 20. The secretary shall annually furnish to the several clerks of the cities and towns blank forms and envelopes for all returns of votes required to be made to his office, with such printed directions on the envelopes as he deems necessary for the guidance and direction of such officers in making the returns according to law.

Secretary to furnish blanks, &c. to cities and towns.  
1857, 295, § 1.  
Resolves, 1807, 1.

SECTION 21. A memorandum of the date of the reception of all returns of votes at the secretary's office shall be made at said office on the envelopes containing them; and if a return required to be sealed up is received unsealed, the secretary shall make a memorandum of such fact upon said return.

to record date of receiving returns, &c.  
1857, 295, § 2.

SECTION 22. The secretary upon receiving such returned copies shall transmit them as received with their seals unbroken to the governor and council; and the governor with five at least of the council shall as soon as may be, examine them; and he shall issue his summons to such persons as appear to be chosen to the offices of gov-

Votes for governor, &c., by whom examined.  
Constitution, 1, § 2, art. 3.  
Amend. const. art. 16, 17, 19.  
R. S. 5, § 1.  
R. S. 6, § 5.  
1856, 173, §§ 4, 10.



ernor, lieutenant-governor, councillors, secretary, treasurer and receiver-general, auditor, attorney-general and senators; and to such persons as appear to be chosen members of congress, commissioners of insolvency, sheriffs, registers of probate and insolvency, district-attorneys and clerks of the courts, he shall forthwith transmit a certificate of such choice signed by the governor and countersigned by the secretary.

how certified.  
Amend. const.  
art. 16.  
1857, 295, § 3.

SECTION 23. The governor shall in the presence of at least five councillors make and subscribe a certificate of the examination of the returns of votes for governor, lieutenant-governor, and councillors, required by article sixteen of the amendments of the constitution, and of the result of said examination.

Envelopes, &c.,  
to be preserved  
and laid before  
legislature, &c.  
Amend. const.  
art. 16.  
1857, 295, § 4.  
1859, 27.

SECTION 24. After such examination, the returns shall be replaced in their respective envelopes, which with the returns and such certificate the governor shall deliver to the secretary, and the secretary on the first Wednesday of January shall lay the same, together with schedules showing the number of ballots which appear to have been cast for each person voted for, before the senate and house of representatives.

Votes for county  
commissioners,  
by whom exam-  
ined. Penalty  
for neglect.  
R. S. 14, §§ 17,  
18, 28.  
1855, 3.  
13 Gray, 83.

SECTION 25. On the first Wednesday of the month succeeding an election for county commissioner, the board of examiners for the county for which the election was held shall meet; and the clerk of the courts shall present the returned copies of votes at such election; and the board shall open and examine them and notify the person chosen of his election. If such board or clerk wilfully neglects to perform any duty required of them under this section, each of them so neglecting shall forfeit a sum not exceeding two hundred dollars.

Board to file  
copies in clerk's  
office. Penalty  
for neglect.  
1851, 16.

SECTION 26. The board shall within three days after such examination file such copies in the office of the clerk; and any one of them wilfully detaining in his custody such a copy three days after the time for filing it has expired shall forfeit fifty dollars and the same sum for each succeeding day of such detention; and the clerk shall notify the attorney-general of every neglect so to file, and every such detention.

Votes for county  
treasurer and  
register of deeds,  
how examined.  
R. S. 14, §§ 44,  
101.  
R. S. Act of  
Amend. § 3.  
1855, 92, § 3.  
1856, 118, § 4.  
2 Gray, 370.

SECTION 27. County commissioners shall, on the first Wednesday of January after an election for county treasurer or register of deeds in their county, open and examine the returned copies of votes at such election, and notify the person chosen of his election; but in Suffolk



the board of aldermen of Boston, within ten days after an election for register of deeds for said county, shall so open and examine the votes of such election, and notify the person chosen.

SECTION 28. Whoever knowing that he is not a qualified voter at an election wilfully votes for any officers to be then chosen, shall forfeit a sum not exceeding one hundred dollars for each offence.

Penalty for voting, if not qualified.  
R. S. 4, § 6.  
9 Met. 268.

SECTION 29. [Repealed by Act of 1874, chapter 356. See page 18 of this pamphlet.]

SECTION 30. Whoever wilfully gives a false answer to the selectmen or moderator presiding at an election, shall forfeit for each offence a sum not exceeding one hundred dollars.

for giving false answers.  
R. S. 4, § 8.  
7 Met. 52.

SECTION 31. Whoever by bribery, or threatening to discharge from his employment, or to reduce the wages of, or by a promise to give employment or higher wages to a person, attempts to influence a qualified voter to give or withhold his vote in an election, shall be punished by fine not exceeding three hundred dollars or by imprisonment in the county jail or house of correction for a term not exceeding one year, or both, at the discretion of court.

for attempting to influence voters by bribes or threats.  
1852, 321.

SECTION 32. Whoever wilfully aids or abets any one, not legally qualified, in voting or attempting to vote at an election, shall forfeit a sum not exceeding fifty dollars for every such offence.

for aiding unqualified persons to vote.  
R. S. 4, § 9.

SECTION 33. Whoever is disorderly in a meeting held for an election mentioned in this chapter, shall forfeit a sum not exceeding twenty dollars.

for disorderly conduct.  
R. S. 4, § 10.  
16 Mass. 385.

SECTION 34. If a city or town officer wilfully neglects or refuses to perform the duties required of him respecting elections by the provisions of this chapter, he shall for each offence forfeit a sum not exceeding two hundred dollars.

on town officers for neglect of duty.  
See Ch. 6, § 12.

SECTION 35. The clerk of any city or town who fails to make return of the votes given therein in conformity with the provisions of law, shall be liable to a fine of not less than five and not more than fifty dollars.

on clerks.  
1856, 255, § 1.

SECTION 36. Elections in cities shall be conducted according to the provisions of the acts establishing them and of the several acts in addition thereto, so far as they are not inconsistent with the provisions of this chapter.\*

Elections in cities.  
R. S. 4, § 12.

\* See section 53 of the General Act of 1874 relating to Elections, at pages 15, 16 of this pamphlet.

## III. THE DAY OF ELECTION.

General Statutes, Chapter 8, § 1.

Election of governor and other state officers.  
 Constitution :  
 1, § 2, art. 1.  
 1, § 3, art. 1, 2, 3.  
 2, § 1, art. 2, 3.  
 2, § 2, art. 1.  
 Amend. const.  
 art. 15, 16, 17,  
 21, 22.

SECTION 1. The governor, lieutenant-governor, councillors, secretary, treasurer and receiver-general, auditor, attorney-general, and senators and representatives in the general court, shall be elected annually on the Tuesday next after the first Monday of November, as prescribed in the constitution.

## IV. ELECTION OF REPRESENTATIVES IN CONGRESS.

General Statutes, Chapter 9\*, §§ 3-8.

Representatives in congress when to be chosen.  
 R. S. 6, § 3.  
 1856, 224.  
 1 Mass. 424.

SECTION 3. The mayor and aldermen and selectmen of the several cities and towns shall as provided in *chapter seven*, [sections nineteen, twenty and twenty-one of the act relating to elections,†] call meetings to be held on the Tuesday next after the first Monday in November in the year one thousand eight hundred and sixty, and thence afterwards, biennially, on the Tuesday next after the first Monday in November, for the voters to give their votes for representatives in congress.

Return of votes.  
 R. S. 6, § 4.  
 1857, 171, §§ 1, 2.  
 1857, 295, § 1.

SECTION 4. The clerks, in making their returns of votes for representatives to congress under section fifteen of chapter seven,‡ shall transmit them in envelopes expressing on the outside the district in which the votes were given.

Proceedings in case of no choice.  
 R. S. 6, § 6.

SECTION 5. In case of no choice in a congressional district, the governor shall cause precepts to issue to the mayor and aldermen and selectmen of the several cities and towns in the district, directing them to call a new meeting on the day appointed in such precept, for the voters to give their votes for a representative in congress. The precept shall be accompanied with a list of all the persons voted for in the district who received fifty votes or more according to the next preceding return, and shall show the number of votes for each of such persons; similar proceedings shall be had thereon and the same returns

\* Sections 1 and 2 of Chapter 9 of the General Statutes contain the provisions establishing the districts for the choice of representatives in congress, as they existed at the time of the passage of the General Statutes, and having been superseded by later acts, are no longer in force.

† See these sections of the general act of 1874, relating to elections, at page 7 of this pamphlet.

‡ Unrepealed section. See pages 21, 22 of this pamphlet.



made as in an original election; and the like proceedings shall be repeated as often as occasion may require.

SECTION 6. When a vacancy happens in the representation of this Commonwealth in congress, the governor shall cause precepts to issue for a new election in the district where the vacancy exists; and similar proceedings shall be had thereon as in an original election.

Proceedings in case of vacancies.  
R. S. 6, § 7.

SECTION 7. The several sheriffs, upon receiving precepts from the governor for the election of a representative in congress, shall seasonably transmit them to the officers of the towns or cities within their respective counties to whom they are directed.

Sheriffs to transmit precepts to selectmen.  
R. S. 6, § 8.

SECTION 8. If any city or town officer wilfully neglects or refuses to perform any duty required of him in this chapter, he shall forfeit for each offence a sum not exceeding two hundred, nor less than thirty dollars.

Penalty for neglect of city and town officers.  
R. S. 6, § 12.

## V. ELECTORS OF PRESIDENT AND VICE-PRESIDENT OF THE UNITED STATES.

General Statutes, Chapter 9, §§ 9-18.

SECTION 9. In each year, when the election of president and vice-president of the United States takes place, there shall be chosen as many electors of president and vice-president as the Commonwealth is at such time entitled to.

Electors of president and vice-president to be chosen.  
R. S. 6, § 13.

SECTION 10. The mayor and aldermen and selectmen of the several cities and towns, shall, in the manner provided in *section three of chapter seven*, [sections nineteen, twenty and twenty one of the act relating to elections,] \* call meetings to be held on the Tuesday next after the first Monday in November of such year, for the voters to give their votes for the whole number of electors to which the Commonwealth is entitled.

Choice of electors, when to take place.  
1848, 35, § 1.

SECTION 11. The names of all the electors to be chosen shall be written on each ballot; and each ballot shall contain the name of at least one inhabitant of each congressional district into which the Commonwealth shall be then divided; and shall designate the congressional district to which he belongs.

Names of electors to be on one ballot.  
R. S. 6, § 15.

SECTION 12. Votes for electors shall be counted, recorded, certified, sealed, and transmitted, to the secretary

Return of votes.  
1844, 167, § 1.  
1852, 209, § 2.  
1857, 171, §§ 1, 2.

\* See these sections of the general act of 1874 relating to elections, at page 7 of this pamphlet.



of the Commonwealth, as provided in sections fifteen, sixteen, and seventeen of chapter seven.\*

Governor, &c.,  
to count votes,  
and notify per-  
sons elected.  
1851, 40, § 2.

SECTION 13. The governor and council shall open and examine such returns and count the votes, and the several persons who have received the highest number of votes so returned shall be declared elected, and the governor shall forthwith transmit to each person so chosen a certificate of his election.

If a majority are  
not chosen, resi-  
due to be chosen  
by general court.  
1851, 40, § 3.

SECTION 14. If upon examination of the votes it appears that a majority of the whole number of electors are not chosen, the governor shall forthwith by proclamation call the legislature together, which shall, by joint ballot of the senators and representatives assembled in one room, choose as many electors as are necessary to complete the full number.

Time and place  
of meeting of  
electors.

SECTION 15. The electors shall convene at the state house in Boston on the Tuesday preceding the first Wednesday of December following their election, at three o'clock in the afternoon. In case of the death or absence of an elector, or in case the number of electors is deficient, the electors present shall forthwith elect from the citizens of the Commonwealth so many persons as shall supply the deficiency.

Vacancies, how  
filled.  
R. S. 6, § 21.  
Art. amend. 12,  
U. S. const.  
U.S. Stat. 1792, 8.  
1804, 50.

Electors to vote,  
and certify and  
transmit, their  
votes to seat of  
government.  
R. S. 6, § 22.  
U. S. const. art.  
amend. 12.  
U.S. Stat. 1792, 8.  
1804, 50.

SECTION 16. The electors so convened shall on said first Wednesday of December vote by ballot for one person for president and one person for vice-president of the United States; one of whom at least shall not be an inhabitant of this Commonwealth. They shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice-president; and they shall make distinct lists of all persons voted for as president and vice-president, and of the number of votes given for each; which lists they shall sign, and certify, and transmit, sealed up, to the seat of the government of the United States, directed to the president of the senate; and they shall in all respects proceed conformably to the constitution and laws of the United States.

Compensation.  
R. S. 6, § 23.  
1858, § 2.

SECTION 17. Each elector shall receive three dollars a day for attendance, and the same compensation for travel as is allowed to a member of the general court.

Duties of sheriffs  
and town officers  
in election of  
electors.  
R. S. 6, § 24.

SECTION 18. All laws in relation to the duties of sheriffs, city and town officers, and voters, in the election of civil officers, shall, as far as the same may be applicable,

\* Unrepealed sections; see pages 21, 22 of this pamphlet.

apply to the meetings and elections held respecting the choice of electors of president and vice-president of the United States ; and like penalties shall be incurred for the violation thereof.

## VI. DISTRICT AND COUNTY OFFICERS.

General Statutes Chapter 10.\*

SECTION 1. District-attorneys, clerks of the courts, registers of probate and insolvency, sheriffs, commissioners of insolvency, county commissioners, special commissioners, county treasurers, and registers of deeds, shall be chosen by ballot on the Tuesday next after the first Monday of November in the years in which said officers are respectively to be elected except as hereinafter provided. Those persons now holding said offices shall continue to hold the same during the terms for which they are elected, unless sooner removed as provided by law.

Election of district and county officers.

Amend const. art. 19.

R. S. 14, § 16.

1854, 77, §§ 1, 5.

1855, 92, §§ 1, 5.

1856, 173, §§ 1, 2,

5.

1858, 93, §§ 4, 5.

### DISTRICT-ATTORNEYS.

SECTION 2. In the year eighteen hundred and sixty-two and every third year thereafter, there shall be elected by the voters in each of the districts into which the Commonwealth is divided for the administration of the criminal law, a district-attorney, who shall be a resident within the district. The officers so elected shall hold their offices for three years from the first Wednesday in January following their election.

district-attorneys.

R. S. 13, § 37.

1856, 173, §§ 1, 5.

### CLERKS OF THE COURTS.

SECTION 3. In the year eighteen hundred and sixty-one and every fifth year thereafter, there shall be elected by the voters in the county of Suffolk, a clerk of the supreme judicial court for said county, and two clerks of the superior court for said county, one for the civil, and one for the criminal business, and by the voters in each of the other counties a clerk of the courts for the county, who

clerks of courts  
1856, 173, §§ 2, 6,  
7.

1857, 1.

1859, 196, § 9.

\* The provisions of chapter ten of the General Statutes, relating to the election of district-attorneys, clerks of the courts, registers of probate and insolvency, sheriffs, commissioners of insolvency, county commissioners and special commissioners, county treasurers and registers of deeds are not affected so far as they relate to the manner of conducting said elections, by the general act of 1874 relating to elections, nor by any of the acts passed since the General Statutes incorporated in said act; and that chapter is accordingly here printed as it stands in the General Statutes. The name of the town of North Chelsea has been changed to Revere.



shall act as clerk of the supreme judicial court, the superior court, and the county commissioners. Such clerks shall hold their offices for five years from the first Wednesday of January following their election, unless sooner removed as provided by law.

#### REGISTERS OF PROBATE AND INSOLVENCY.

registers of  
probate and in-  
solvency.  
1858, 93, § 4.

SECTION 4. In the year eighteen hundred and sixty-three and every fifth year thereafter, there shall be elected by the voters in each county a register of probate and insolvency for the county, who shall hold his office for five years from the first Wednesday of January following his election.

#### SHERIFFS AND COMMISSIONERS OF INSOLVENCY.

sheriffs and  
commissioners  
of insolvency.  
1848, 304, § 1.  
1851, 322.  
1852, 112.  
1856, 173, §§ 1, 5.

SECTION 5. In the year eighteen hundred and sixty-two and every third year thereafter, there shall be elected by the voters in each county a sheriff for the county, and in the county of Worcester four commissioners of insolvency, and in each of the other counties three commissioners of insolvency. Each of said officers shall hold his office for three years from the first Wednesday in January following his election.

#### COUNTY COMMISSIONERS AND SPECIAL COMMISSIONERS.

Election of  
county commis-  
sioners.  
R. S. 14, §§ 16, 24.  
1850, 299, § 2.  
1852, 53.  
1854, 77, § 3.  
3 Gray, 126.

SECTION 6. The voters in the county of Middlesex with those of the city of Chelsea and the towns of North Chelsea and Winthrop, and the voters in each of the other counties except Suffolk and Nantucket shall annually elect one county commissioner for the county, who shall hold his office for three years and until his successor is elected and qualified. There shall be three county commissioners in each county except Suffolk and Nantucket.

special com-  
missioners.  
R. S. 14, §§ 21,  
24.  
1850, 299, § 2.  
1852, 53.  
1854, 77, § 6.

SECTION 7. In the year eighteen hundred and sixty-two and every third year thereafter, there shall be elected by the voters in the county of Middlesex with those of the city of Chelsea and the towns of North Chelsea and Winthrop, and by the voters in each of the other counties except Suffolk and Nantucket, two special commissioners for the county, who shall hold their offices for three years and until their successors are elected and qualified.

Not more than  
one commission-  
er to be chosen  
from the same  
place.  
R. S. 14, § 23.  
1854, 77, §§ 3, 6, 7.

SECTION 8.\* Not more than one of the county com-

\* This section is here printed as amended by the act of 1874, chapter 329, printed at page 19 of this pamphlet.



missioners and special commissioners in each county, shall be chosen from the same city or town. When at any election, two persons residing in the same city or town have a plurality of votes, whereby one would otherwise be elected county commissioner and the other special commissioner, or both, to either of those offices, the one who has the highest number of votes shall be elected, and when both have an equal number neither of them shall be deemed elected. When a person residing in a city or town in which a county commissioner or special commissioner who is to remain in office resides, has a plurality of the votes, he shall not be elected.

COUNTY TREASURERS AND REGISTERS OF DEEDS.

SECTION 9. In the year eighteen hundred and sixty-one and every third year thereafter, there shall be elected by the voters in each county, except Suffolk and Nantucket, a suitable person residing therein, to be treasurer of the county, who shall hold his office for three years and until his successor is elected and qualified. At the same times there shall be elected by the voters in each district for the registry of deeds, and in each county not divided into such districts, a suitable person residing therein to be register of deeds for such district or county, who shall hold his office for three years and until his successor is elected and qualified, unless sooner removed as provided by law.

Election of county treasurer and register of deeds.  
R. S. 14, §§ 101, 111, 112, 113, 114.  
1837, 186.  
1855, 79.  
1855, 92, §§ 1, 3.  
1856, 118.  
2 Gray, 370.  
1869, 445, § 3.

FAILURES TO ELECT.

SECTION 10. If on the days aforesaid there is a failure to elect a district-attorney, clerk of the courts, register of probate and insolvency, sheriff, or commissioner of insolvency, in any district or county, the governor shall by proclamation declare such failure and order a new election to be had on such day as he shall appoint, and shall continue so to order such elections until a choice is effected.

In case of failures to elect district-attorney, clerk of courts, register of probate and insolvency, &c.  
1856, 173, § 4.  
1858, 93, § 12.

SECTION 11. If on said days there is a failure to elect a county commissioner or special commissioner for any county, the board of examiners shall forthwith issue their warrant to the mayor and aldermen and selectmen of the cities and towns in such county, or in the county of Middlesex, to the mayor and aldermen and selectmen of the cities and towns in said county, and of Chelsea, North Chelsea, and Winthrop, requiring them on a day men-

commissioners and special commissioners.  
R. S. 14, §§ 19, 20.

tioned in their warrant, which shall be within twenty days after issuing the same, to call meetings of the voters in their respective places for completing such elections, and they shall continue so to issue their warrants until a choice is effected. At each election the examiners shall furnish the mayor and aldermen and selectmen with a list of the persons not elected, who at the preceding election received more than twenty-five votes.

In case of failure to elect county treasurer and register of deeds  
R. S. 14, §§ 107, 108, 109.  
R. S. act of amend. § 3.  
1856, 118.  
*See* § 16.

SECTION 12. If on said days there is a failure to elect a county treasurer or register of deeds for any county or district, the county commissioners shall forthwith issue their warrant to the mayor and aldermen and selectmen of the several cities and towns in such county or district, requiring them on a day mentioned in the warrant to call meetings of the voters in their respective places for completing such elections, and they shall continue so to issue their warrants until a choice is effected. The commissioners shall in such cases meet and count the votes at such times as they shall adjourn to, for that purpose.

#### VACANCIES.

Vacancies in office of clerk, &c. how filled.  
1856, 173, §§ 8, 9.  
*See* § 16.  
Ch. 17, § 81.  
Ch. 119, § 13.

SECTION 13. If a person elected to either of the offices mentioned in section ten is removed therefrom, or otherwise vacates the same, an election to fill such office for the remainder of his term shall be ordered by the governor, and shall be had on the Tuesday next after the first Monday of November.

commissioner and special commissioner.  
R. S. 14, § 22.  
1850, 299, § 2.  
1852, 53.  
*See* § 16.

SECTION 14. A vacancy in the office of county commissioner or special commissioner of any county may be filled at any time when the board of examiners think it expedient; and they shall issue their warrant therefor to the mayor and aldermen and selectmen of the cities and towns of such county, or in the county of Middlesex to the mayor and aldermen and selectmen of the cities and towns therein, and of Chelsea, North Chelsea, and Winthrop, and the person chosen shall fill the office for the remainder of the term.

county treasurer or register of deeds.  
R. S. 14, § 107.  
R. S. act of amend. § 3.  
1856, 118.  
*See* § 16.  
Ch. 17, § 87.

SECTION 15. If a person elected county treasurer or register of deeds resigns or otherwise vacates the office, an election to fill the same for the remainder of the term shall be had on the Tuesday next after the first Monday of November upon the order of the county commissioners, who shall issue their warrant therefor as in the case of failure to elect.

SECTION 16. If the mayor and aldermen or selectmen of any place wilfully neglect to comply with a warrant or order issued under either of the six preceding sections, each of them so neglecting shall forfeit a sum not exceeding two hundred dollars.

Penalty on selectmen, &c. for neglect.  
R. S. 14, § 23.  
1839, 135.

The following acts are not included in this pamphlet, for the reason that they do not directly affect any of the provisions of the acts relating to elections in the several cities and towns, to which reference is made in the resolve authorizing the preparation of this pamphlet; but, as they have some relation to the subject, note is here made of their titles, lest the omission of any allusion to them should give rise to the impression that they have been repealed.

Act of 1865, Chapter 68. An Act to preserve the Right of Suffrage to Soldiers and Sailors.

Act of 1865, Chapter 121. An Act relating to the abatement of Taxes.

Act of 1865, Chapter 206. An Act in relation to the assessment of Taxes (by which § 50 of chapter 11 of the General Statutes is *repealed*).

Act of 1871, Chapter 124. An Act to provide for the use of a Check-List in the election of the Officers of Fire Districts.





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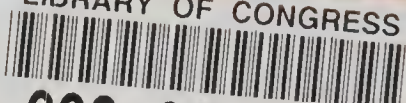
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